

1 LEWIS BRISBOIS BISGAARD & SMITH LLP  
2 TONY M. SAIN, SB# 251626  
3 E-Mail: Tony.Sain@lewisbrisbois.com  
4 TORI L. N. BAKKEN, SB# 329069  
5 E-Mail: Tori.Bakken@lewisbrisbois.com  
6 ABIGAIL J. R. McLAUGHLIN, SB# 313208  
7 E-Mail: Abigail.McLaughlin@lewisbrisbois.com  
8 633 West 5th Street, Suite 4000  
9 Los Angeles, California 90071  
10 Telephone: 213.250.1800  
11 Facsimile: 213.250.7900

12 Attorneys for Defendants,  
13 CITY OF FRESNO, REY MEDELES,  
14 and GUSTAVO GUTIERREZ

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 LUIS RODRIGUEZ,

13 Plaintiff,

14 v.

15 FRESNO POLICE OFFICER REY  
16 MEDELES; FRESNO POLICE OFFICER  
17 GUSTAVO GUTIERREZ; UNKNOWN  
18 LOCAL AND FEDERAL LAW  
19 ENFORCEMENT OFFICERS; THE CITY  
20 OF FRESNO,

21 Defendants.

**Case No. 1:23-cv-01471-JLT-SKO**

*[Hon. Jennifer L. Thurston, District Judge;  
Hon. Sheila K. Oberto, Magistrate Judge]*

**STIPULATION TO SET ASIDE  
DEFAULT; ORDER**

(Doc. 19)

23 It is hereby stipulated between Plaintiff LUIS RODRIGUEZ (“Plaintiff”), represented by  
24 Kevin G. Little, Esq., Law Office of Kevin G. Little, and Defendants CITY OF FRESNO, REY  
25 MEDELES, and GUSTAVO GUTIERREZ (“Defendants”), represented by Tony M. Sain, Esq.,  
26 Tori L.N. Bakken, Esq., and Abigail J.R. McLaughlin, Esq., Lewis Brisbois Bisgaard & Smith,  
27 LLP, that the entry of default in this case pursuant to Plaintiff’s Request for Entry of Default be set  
28

1 aside and Defendants be allowed to file their responsive pleading. The parties have agreed that 10  
2 days is a reasonable and sufficient time within which to file Defendants' responsive pleading.

3 DATED: January 17, 2024

4 LEWIS BRISBOIS BISGAARD & SMITH LLP  
5 By: /s/ Abigail J.R. McLaughlin  
6 TONY M. SAIN  
7 TORI L.N. BAKKEN  
8 Attorneys for Defendants,  
9 CITY OF FRESNO, REY MEDELES,  
10 And GUSTAVO GUTIERREZ

11 Plaintiff consents to an order setting aside the default.

12 DATED: January 18, 2024

13 LAW OFFICE OF KEVIN G. LITTLE  
14 By: /s/ Kevin G. Little  
15 KEVIN G. LITTLE  
16 Attorney for Plaintiff,  
17 LUIS RODRIGUEZ

**ORDER**

18 Pursuant to the foregoing stipulation (Doc. 19), and GOOD CAUSE APPEARING, the  
19 request for entry of default in this case pursuant to Plaintiff's Request for Entry of Default (Doc.  
20 15) entered against Defendants CITY OF FRESNO, REY MEDELES, and GUSTAVO  
21 GUTIERREZ is set aside, and the hearing on the motion set for February 7, 2024, is VACATED.  
22 Defendants have ten (10) days to file and serve their responsive pleading from the date of this  
23 Order.

24 IT IS SO ORDERED.

25 Dated: January 19, 2024

26 /s/ Sheila K. Oberto  
27 UNITED STATES MAGISTRATE JUDGE